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 8 Attorneys for Defendant
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17 UNITED STATES OF AMERICA,
 18 Plaintiff,

19 CR 07-70574 WDB

20 v.

21 MICHAEL MARTIN, et al.,

22 Defendants.

**FOURTH STIPULATION TO WAIVE
 TIME UNDER THE SPEEDY TRIAL ACT
 WITH RESPECT TO PRELIMINARY
 HEARING AND FILING OF FURTHER
 CHARGING DOCUMENTS**

23 _____ /

24 This matter is scheduled for preliminary hearing or
 25 arraignment on Tuesday, January 29, 2008, at 10:00 a.m.

26 The parties have previously agreed and so stipulated to
 27 waive time for the preliminary hearing in order for counsel to
 28 have sufficient time to review the discovery and evaluate the
 29 prospect of pre-indictment resolution.

30 On December 20, 2007, counsel for all parties met and
 31 conferred. Shortly thereafter, the government circulated a draft
 32 version of a proposed plea agreement to each defendant through
 33 their respective counsel.

34 The exclusion of additional time is likely to obviate the
 35 need to consume judicial and public resources insofar as the

1 parties believe in good faith that resolution is close at hand.

2 In light of the foregoing, all of the defendants agree to
3 waive the necessary additional time pursuant to Fed.R.Crim.P. 5
4 and 18 U.S.C. § 3161, the Speedy Trial Act, such that the pre-
5 liminary hearing be extended to February 26, 2008, at 10:00 a.m.

6 All of the defendants are out of custody on bond. Defen-
7 dants each have consulted with their attorneys and understand
8 that they have the right to a preliminary hearing or that
9 further charging documents be presented and filed with the Court
10 on the day of or before said preliminary hearing. Pursuant to
11 Fed.R.Crim.P. 5.1(d), the defendants knowingly and voluntarily
12 waive their rights to a preliminary hearing on January 29, 2008,
13 and agree to extend the time for preliminary hearing until
14 February 26, 2008.

15 The parties jointly request that the time between January
16 29, 2008, and February 26, 2008, be excluded under the Speedy
17 Trial Clock to allow defendants' counsel to effectively prepare,
18 taking into account the exercise of due diligence. See 18
19 U.S.C. §§ 3161(h)(8)(A) and 3161(h)(8)(B)(iv). The parties
20 agree that the "ends of justice served by the granting of such
21 continuance outweigh the best interests of the public and the
22 defendant[s] in a speedy trial." 18 U.S.C. § 3161(h)(8)(A).

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1 For the foregoing reasons, the parties respectfully request
2 that the matter be continued from January 29, 2008, to February
3 26, 2008, at 10:00 a.m.

4 Dated: January 24, 2008

5 Joseph P. Russoniello
6 United States Attorney

7 /s/ SHASHI KEWALRAMANI
8 H.H. (SHASHI) KEWALRAMANI
9 Assistant United States Attorney

10
11 /s/ SARA ZALKIN
12 SARA ZALKIN
13 Attorney for MICHAEL MARTIN

14 /s/
15 MICHAEL MARTIN
16 Defendant

17 /s/ RANDOLPH E. DAAR
18 RANDOLPH E. DAAR
19 Attorney for JESSICA SANDERS

20 /s/
21 JESSICA SANDERS
22 Defendant

23 /s/ JEROME MATTHEWS
24 JEROME MATTHEWS
25 Attorney for MICHAEL ANDERSON

26 /s/
27 MICHAEL ANDERSON
28 Defendant

29 /s/ TED CASSMAN
30 TED CASSMAN
31 LAUREL HEADLEY
32 Attorneys for DIALLO McLINN

33 /s/
34 DIALLO McLINN
35 Defendant

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5 UNITED STATES DISTRICT COURT
6 NORTHERN DISTRICT OF CALIFORNIA

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8 UNITED STATES OF AMERICA, CR 07-70574 WDB
9 Plaintiff, [PROPOSED] ORDER GRANTING
10 v. FOURTH STIPULATION TO WAIVE
11 MICHAEL MARTIN, et al., TIME UNDER SPEEDY TRIAL ACT AND
12 Defendant. FOR PRELIMINARY HEARING

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14 Pursuant to Fed. R. Crim. P. 5.1(d) and 18 U.S.C. §
15 3161(h)(8), the parties in this matter have filed a Fourth
16 Stipulation to Waive Time Under the Speedy Trial Act and for
17 Preliminary Hearing, seeking to waive and extend the time for
18 the preliminary hearing and to exclude the time between January
19 29, 2008, through February 26, 2008, from the Speedy Trial
20 Clock. The stipulation was signed by counsel of record as well
21 as the defendants such that the defendants are knowingly and
22 voluntarily waiving their rights to a preliminary hearing on
23 January 29, 2008, and extending the preliminary hearing until
24 February 26, 2008.

25 Good cause appearing therefor,

26 **IT IS HEREBY ORDERED** that the period between January 29,
27 2008, and February 26, 2008, is excluded from the Speedy Trial
28 Clock to allow counsel to effectively prepare, taking into

1 account the exercise of due diligence. 18 U.S.C. §
2 3161(h)(8)(B)(iv). The Court finds that the "ends of justice
3 served by the granting of such continuance outweigh[s] the best
4 interests of the public and the defendant in a speedy trial."
5 18 U.S.C. § 3161(h)(8)(A). Additionally, the Court finds that
6 the defendants knowingly and voluntarily waived the period
7 between January 29, 2008, and February 26, 2008, such that
8 preliminary hearing is now scheduled for February 26, 2008, at
9 10:00 a.m.

10 Dated:

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WAYNE D. BRAZIL, Judge
13 United States District Court
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